Application No. 09/691,334
Amdt. Dated: August 6, 2008
Reply to Office Action Dated: May 13, 2008

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed May 13, 2008. The status of the application is as follows:

- Claims 1-24 are pending;
- Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan et al. (Streaming Media Control and Synchronization Application Program Interface (API) for a Digital Television Receiver) in view of Rodesch et al. (US 4,422,105);
- Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan et al. in view of Rodesch et al., and further in view of Smyers et al. (US 5,991,520);
- Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan et al. in view of Rodesch et al., in view of Smyers et al., and further in view of Hunt (US 6,442,658 B1);
- Claims 13, 14, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Rajan et al.;
- Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Rajan et al., and further in view of Smyers et al.;
- Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Rajan et al., and further in view of Messer et al. (US 6,762,798);
- Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Rajan et al., in view of Messer et al., and in further view of Smyers et al.

The rejections are discussed below

The Objection to Claims 3, 9 and 17-19

The Examiner is thanked for indicating that claims 3, 9 and 17-19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant reserves the right to rewrite the claims as indicated by the Examiner at a later date

Application No 09/691,334
Amdt. Dated: August 6, 2008
Reply to Office Action Dated: May 13, 2008

The Rejection of Claims 1, 2, 7 and 8 under 35 U.S.C. 103(a)

Claims 1, 2, 7 and 8 are rejected under 35 U S.C. 103(a) as being unpatentable over Rajan et al in view of Rodesch et al. This rejection should be withdrawn because the combination of Rajan et al and Rodesch et al. does not teach or suggest all the limitations of the subject claims and, therefore, fails to establish a *prima facie* case of obvious with respect to the subject claims.

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art *In re Royka*, 490 F 2d 981, (CCPA 1974). MPEP §2143.03.

Independent claim 1 is directed to a digital audio playback device (DAPD) Claim 1 requires, *inter alia*, a reverse DAPD API capable of causing a processor to access and control a user interface associated with the a user interface application program on a connected processing system. The Office asserts that Rajan et al discloses these claim aspects at p. 35, lines 1-25 Applicant respectfully traverses this assertion.

The API of Rajan et al does not cause a processor to access and control a user interface associated with a user interface application program of a connected processing system as is required by claim 1. Instead, the cited sections of Rajan et al discloses an API that controls presentation of streaming audio and/or video at a television set-top receiver or a computer. There is no teaching or suggestion in Rajan et al. that the API is capable of causing the processor to access and control a user interface associated with a user interface application program of the connected processing system. Accordingly, this rejection should be withdrawn.

Independent claim 7 is directed to a processing system with claim aspects similar to claim 1. As such, the above discussion regarding claim 1 applies *mutatis mutandis* to claim 7, and this rejection should be withdrawn

Claims 2 and 8 depend from claims 1 and 7, respectively, and are allowable at least by virtue of their dependency upon allowable base claims.

The Rejection of Claims 4 and 10 under 35 U.S.C. 103(a)

Claims 4 and 10 are rejected under 35 U.S.C 103(a) as being unpatentable over Rajan et al. in view of Rodesch et al., and further in view of Smyers et al This rejection should be

withdrawn because the combination of Rajan et al , Rodesch et al , and Smyers et al does not teach or suggest all the limitations of the subject claims and, therefore, fails to establish a *prima facie* case of obviousness with respect to the subject claims.

Claims 4 and 10 depend respectively from claims 1 and 7 and require, *inter alia*, that the reverse DAPD API includes data associated with a manufacturer of the digital audio playback device, and wherein the reverse DAPD API causes the processor to access and control a portion of the user interface to display the data associated with the manufacturer in at least a portion of the user interface on the monitor screen. The combination of Rajan et al., Rodesch et al., and Smyers et al. does not teach or suggest these claim aspects

Particularly, the Office asserts that Smyers et al. discloses an API capable of causing the processor to access and control at least a portion of the user interface to display the data in the at least a portion of the user interface, which is displayed on the monitor screen (col. 4, lines 1-5 and lines 37-41, col 5, lines 33-42, col. 7, lines 45-50, col. 9, lines 2-13 and lines 20-27), wherein the API comprises first data associated with a manufacturer of the digital audio playback device (see col. 2, lines 20-30) However, in Smyers et al. the API is in a video cassette recorder 52, and simply manages transfer of data from the video cassette recorder 52 to a bus structure Upon being presented with the data, an API in the video monitor 54 manages the transfer of the data to buffers in the video monitor 54. Thus, the video monitor 54 is not accessed and controlled by the video cassette recorder 52, but simply receives data from the video cassette recorder 52 Additionally, there is no teaching or suggestion in col. 2, lines 20-30 of Smyers et al. that the API comprises data associated with the manufacturer of the digital audio playback device (video cassette recorder 52) as required by claims 4 and 10. Accordingly, applicant respectfully submits that claims 4 and 10 are allowable, and these rejections should be withdrawn

The Rejection of Claims 5, 6, 11 and 12 under 35 U.S.C. 103(a)

Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan et al., Rodesch et al. and Smyers et al., and further in view of Hunt Claims 5, 6, 11 and 12 depend respectively from independent claims 1 and 7, and are allowable at least by virtue of their dependency on allowable base claims

The Rejection of Claims 13, 14, 20 and 21 under 35 U.S.C. 103(a)

Claims 13, 14, 20 and 21 are rejected under 35 U S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Rajan et al. This rejection should be withdrawn because the combination of Admitted Prior Art and Rajan et al. does not teach or suggest all the limitations of the subject claims and, therefore, fails to establish a *prima facie* case of obviousness with respect to the subject claims

Independent claims 13 and 20 are directed to a method and computer-executable instructions executing the method utilizing the DAPD and processing system of claims 1 and 7. Claims 13 and 20 require, *inter alia*, executing a reverse DAPD application programming interface, wherein the step of executing the reverse DAPD API enables the digital audio playback device to access and control a user interface associated with the user interface application program and displayed on a monitor screen associated with the connected processing system The combination of the Admitted Prior Art and Rajan et al does not teach or suggest these claim aspects.

In the Final Office Action dated September 26, 2006 (p. 3), the Office concedes that the Admitted Prior Art fails to teach a processor of a DAPD capable of executing a reverse DAPD API, wherein the reverse DAPD API is capable of causing the processor to access and control a user interface with the user interface application program displayed on the connected processing system as required by claims 13 and 20. As previously discussed, Rajan et al. fails to teach or suggest a reverse DAPD API capable of causing a processor to access and control a user interface associated with a user interface application program of the connected processing system. Accordingly, this rejection should be withdrawn

Claims 14 and 21 respectively depend from claims 13 and 20, and require that the reverse DAPD API comprise executable instructions capable of communicating with and controlling an operation of the user interface application program. The Office asserts that Rajan et al teaches or suggest these claim aspects (p. 35, lines 1-25; Fig. 3; p. 16, lines 1-26) However, applicant respectfully disagrees. As previously discussed, Rajan et al. fails to teach or suggest the reverse DAPD API. The API is not the claimed reverse DAPD API because it is not capable of causing a processor to access and control a user interface associated with a user interface application

program of the connected processing system Accordingly, these rejections should be withdrawn.

The Rejection of Claims 15 and 16 under 35 U.S.C. 103(a)

Claims 15 and 16 are rejected under 35 U.S C. 103(a) as being unpatentable over Admitted Prior Art in view of Rajan et al. This rejection should be withdrawn because the combination of the Admitted Prior Art and Rajan et al. does not teach or suggest all the limitations of the subject claims and, therefore, fails to establish a *prima facie* case of obviousness with respect to the subject claims

Claims 15 and 16 depend from claim 13 and require, *inter alia*, that the reverse DAPD API comprise first data associated with a manufacturer of the digital audio playback device The Office asserts that Smyers discloses an API with first data associated with a manufacturer of the digital audio playback device (col. 2, lines 20-30). However, applicant respectfully traverses this assertion. As previously discussed, Smyers et al fails to teach or suggest in col 2, lines 20-30 that the API comprises data associated with the manufacturer of the digital audio playback device (video cassette recorder 52) as required by the subject claims. Accordingly, these rejections should be withdrawn.

The Rejection of Claims 22 under 35 U.S.C. 103(a)

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Rajan et al., and further in view of Messer et al. This rejection should be withdrawn because the combination of the APA, Rajan et al. and Messer et al does not teach or suggest all the limitations of the subject claim and, therefore, fails to establish a *prima facie* case of obviousness with respect to the subject claim.

Claim 22 depends from claim 20 and requires, *inter alia*, first data associated with a manufacturer of the digital audio playback device The Office asserts Messer et al. teaches this claim aspect in col. 11, lines 59-64. However, applicant respectfully traverses this assertion

Messer et al does not teach or suggest the claimed API, which include data associated with a manufacturer of the digital audio playback device. Instead, Messer et al teaches that a set of parameters indicating a source region of an image such that a video window is created with

the set of parameters when the video window is generated at the destination position and according to the scale factor within the capabilities of the television and display Particularly, the set of parameters is not data associated with a manufacturer of the digital audio playback device as is required by claim 22 Accordingly, this rejection should be withdrawn.

The Rejection of Claims 23 and 24 under 35 U.S.C. 103(a)

Claims 23 and 24 are rejected under 35 U S.C 103(a) as being unpatentable over Admitted Prior Art, Rajan et al, Messer et al., and further in view of Smyers et al. This rejection should be withdrawn because the combination of the Admitted Prior Art, Rajan et al., Messer et al, and Smyers et al does not teach or suggest all the limitations of the subject claims and, therefore, fails to establish a *prima facie* case of obviousness with respect to the subject claims.

Claim 23 depends from independent claim 20 and requires, *inter alia*, the step of executing the reverse DAPD API comprises the substep of accessing and controlling at least a portion of the user interface displayed on the monitor screen. Claim 24 depends from claim 20 and requires, *inter alia*, the step of executing the reverse DAPD API comprises the substep of displaying the first data in the at least a portion of the user interface. The Office asserts that the combination of the Admitted Prior Art, Rajan et al., Messer et al, and Smyers et al. teaches these claim aspects. However, applicant respectfully traverses this assertion.

Particularly, the Office asserts Smyers et al teaches or suggests the API is capable of causing the processor to access and control at least a portion of the user interface displayed on the monitor screen (see col. 4, lines 1-5 and lines 37-14; col 5, lines 33-42; col 7, lines 45-50; col 9, lines 2-13 and lines 20-27) and the API comprises first data associated with a manufacturer of the digital audio playback device (col 2, lines 20-30)

However, as previously discussed, Smyers et al does not teach or suggest a user interface on the display accessed and controlled by a processor as is required by claim 23. The API in the video cassette recorder 52 simply manages transfer of data from the video cassette recorder 52 to a bus structure. Upon being presented with the data, the API in the video monitor 54 manages the transfer of the data to buffers in the video monitor 54. Thus, the video monitor 54 is not accessed and controlled by the video cassette recorder 52, but simply receives data from the video cassette recorder 52. Additionally, there is no teaching or suggestion in col. 2, lines 20-30

of Smyers et al. that the API comprises data associated with the manufacturer of the digital audio playback device (video cassette recorder 52) Thus, there is no data displayed in the at least a portion of the user interface as is required by claim 24. Accordingly, these rejections should be withdrawn

RECEIVED
CENTRAL FAX CENTER
AUG 13 2008

Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited

Respectfully submitted,

Michael J. Corrigan

Michael J. Corrigan, Reg No. 42,440
Anthony M Del Zoppo, III Reg. No. 51,606
Driggs, Hogg, Daugherty & Del Zoppo Co., L P.A.
38500 Chardon Road
Willoughby Hills, Ohio 44094
Phone: 1.440.391.5100
Fax: 1.440.391.5101

Direct all correspondence to:
Yan Glickberg, Reg. No 51,742
Philips Intellectual Property & Standards
595 Miner Road
Cleveland, Ohio 44143
Phone: 1 440 483 3455
Fax: 1 914 323 0615